

AMENDED IN ASSEMBLY AUGUST 8, 2008

SENATE BILL

No. 1228

Introduced by Senator Maldonado

February 14, 2008

~~An act to amend Sections 38504, 38504.1, and 38504.2 of the Vehicle Code, relating to all-terrain vehicles.~~*An act to amend Section 35401 of the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1228, as amended, Maldonado. ~~All-terrain vehicles: operating violations.~~ *Vehicles: maximum combination length.*

Existing law prohibits any combination of vehicles coupled together, including any attachments, from exceeding a total length of 65 feet, subject to certain specified exceptions, including an exemption for a combination of a motortruck and 2 trailers. This law authorizing this exemption is repealed as of January 1, 2009, unless a later enacted statute deletes or extends that date.

This bill would extend the repeal date for that exemption to January 1, 2010, and make conforming changes.

~~(1) Existing law prohibits a person under 14 years of age from operating an all-terrain vehicle on public lands of this state unless that person satisfies specified safety conditions and, in addition, is accompanied by, and under direct supervision of, a parent or guardian, or is accompanied by, and under the direct supervision of, an adult who is authorized by the parent or guardian. Existing law prohibits a parent or guardian of a child who is under 14 years of age or an adult who is authorized by the parent or guardian to supervise the child, from granting permission to, or knowingly allowing, that child to operate an all-terrain vehicle in a manner that violates the above-described prohibition.~~

~~Existing law makes a violation of the above an infraction punishable by a specified order or fine.~~

~~This bill would prohibit a person under 16 years of age from operating an all-terrain vehicle on public lands of this state unless that person is accompanied by, and under direct supervision of, a parent or guardian or adult who is authorized by the parent or guardian and is in possession of a specified safety certificate. The bill would impose specified size restrictions on all-terrain vehicles operated by persons under 16 years of age. This bill would also make conforming changes.~~

~~Because this bill would expand the scope of an existing crime, it would create a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35401 of the Vehicle Code, as amended
2 by Section 1 of Chapter 450 of the Statutes of 2006, is amended
3 to read:

4 35401. (a) Except as provided in subdivisions (b), (c), and (d),
5 a combination of vehicles coupled together, including attachments,
6 may not exceed a total length of 65 feet.

7 (b) (1) A combination of vehicles coupled together, including
8 attachments, that consists of a truck tractor, a semitrailer, and a
9 semitrailer or trailer, may not exceed a total length of 75 feet, if
10 the length of neither the semitrailers nor the trailer in the
11 combination of vehicles exceeds 28 feet 6 inches.

12 (2) A B-train assembly is excluded from the measurement of
13 semitrailer length when used between the first and second
14 semitrailer of a truck tractor-semitrailer-semitrailer combination
15 of vehicles. However, if there is no second semitrailer mounted to
16 the B-train assembly, it shall be included in the length measurement
17 of the semitrailer to which it is attached.

1 (3) (A) A combination of vehicles coupled together, including
2 attachments, may have a total length of not more than 75 feet, if
3 all of the following apply:

4 (i) The combination of vehicles consists of a motortruck and
5 two trailers.

6 (ii) A trailer in the combination does not exceed 28 feet 6 inches
7 in length.

8 (iii) The combination is used exclusively to transport agricultural
9 products from the field to the first point of handling and return,
10 and each direction of transport does not exceed 80 miles.

11 (iv) The combination is not operated on a highway designated
12 by the United States Department of Transportation as a national
13 network route.

14 (v) The combination of vehicles may not exceed 50 miles per
15 hour when operating on the highway.

16 (vi) The combination of vehicles shall successfully complete a
17 commercial vehicle safety alliance inspection on a quarterly basis
18 conducted by the Department of the California Highway Patrol.

19 (vii) The combination of vehicles shall operate on the highway
20 only after, agricultural entities develop safe routing techniques, in
21 consultation with the Department of the California Highway Patrol,
22 from the field to the first point of handling and return.

23 (B) This paragraph applies only in the County of San Luis
24 Obispo and the County of Santa Barbara or a city in those counties
25 if the board of supervisors of the county or the city council, as the
26 case may be, by resolution or ordinance adopts its provisions.

27 (C) The Department of the California Highway Patrol, in
28 consultation with the Department of Transportation, shall conduct
29 a study of the effect that the exemption provided in this paragraph
30 has on public safety particularly the enhanced safety requirements
31 imposed by clauses (v), (vi), and (vii) of subparagraph (A). The
32 Department of the California Highway Patrol shall report the results
33 of the study to the Legislature and the Governor on or before April
34 1, 2008.

35 (c) (1) A tow truck in combination with a single disabled vehicle
36 or a single abandoned vehicle that is authorized to travel on the
37 highways by this chapter is exempt from subdivision (a) when
38 operating under a valid annual transportation permit.

39 (2) A tow truck, in combination with a disabled or abandoned
40 combination of vehicles that are authorized to travel on the

highways by this chapter, is exempt from subdivision (a) when operating under a valid annual transportation permit and within a 100-mile radius of the location specified in the permit.

(3) A tow truck may exceed the 100-mile radius restriction imposed under paragraph (2) if a single trip permit is obtained from the Department of Transportation.

(d) A city or county may, by ordinance, prohibit a combination of vehicles of a total length in excess of 60 feet upon highways under its respective jurisdiction. The ordinance may not be effective until appropriate signs are erected indicating either the streets affected by the ordinance or the streets not affected, as the local authority determines will best serve to give notice of the ordinance.

(e) A city or county, upon a determination that a highway or portion of highway under its jurisdiction cannot, in consideration of public safety, sustain the operation of trailers or semitrailers of the maximum kingpin to rearmost axle distances permitted under Section 35400, may, by ordinance, establish lesser distances consistent with the maximum distances that the highway or highway portion can sustain, except that a city or county may not restrict the kingpin to rearmost axle measurement to less than 38 feet on those highways or highway portions. A city or county considering the adoption of an ordinance shall consider, but not be limited to, consideration of, all of the following:

(1) A comparison of the operating characteristics of the vehicles to be limited as compared to operating characteristics of other vehicles regulated by this code.

(2) Actual traffic volume.

(3) Frequency of accidents.

(4) Any other relevant data.

In addition, the city or county may appoint an advisory committee consisting of local representatives of those interests that are likely to be affected and shall consider the recommendations of the advisory committee in adopting the ordinance. The ordinance may not be effective until appropriate signs are erected indicating the highways or highway portions affected by the ordinance.

This subdivision shall only become operative upon the adoption of an enabling ordinance by a city or county.

(f) Whenever, in the judgment of the Department of Transportation, a state highway cannot, in consideration of public

safety, sustain the operation of trailers or semitrailers of the maximum kingpin to rearmost axle distances permitted under Section 35400, the director, in consultation with the Department of the California Highway Patrol, shall compile data on total traffic volume, frequency of use by vehicles covered by this subdivision, accidents involving these vehicles, and other relevant data to assess whether these vehicles are a threat to public safety and should be excluded from the highway or highway segment. The study, containing the conclusions and recommendations of the director, shall be submitted to the Secretary of the Business, Transportation and Housing Agency. Unless otherwise notified by the secretary, the director shall hold public hearings in accordance with the procedures set forth in Article 3 (commencing with Section 35650) of Chapter 5 for the purpose of determining the maximum kingpin to rear axle length, which shall be not less than 38 feet, that the highway or highway segment can sustain without unreasonable threat to the safety of the public. Upon the basis of the findings, the Director of Transportation shall declare in writing the maximum kingpin to rear axle lengths which can be maintained with safety upon the highway. Following the declaration of maximum lengths as provided by this subdivision, the Department of Transportation shall erect suitable signs at each end of the affected portion of the highway and at any other points that the Department of Transportation determines to be necessary to give adequate notice of the length limits.

The Department of Transportation, in consultation with the Department of the California Highway Patrol, shall compile traffic volume, geometric, and other relevant data, to assess the maximum kingpin to rearmost axle distance of vehicle combinations appropriate for those state highways or portion of highways, affected by this section, that cannot safely accommodate trailers or semitrailers of the maximum kingpin to rearmost axle distances permitted under Section 35400.

(g) This section shall remain in effect only until January 1, ~~2009~~ 2010, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2009~~ 2010, deletes or extends that date.

SEC. 2. Section 35401 of the Vehicle Code, as added by Section 2 of Chapter 450 of the Statutes of 2006, is amended to read:

1 35401. (a) Except as provided in subdivisions (b), (c), and (d),
2 a combination of vehicles coupled together, including attachments,
3 may not exceed a total length of 65 feet.

4 (b) (1) A combination of vehicles coupled together, including
5 attachments, that consists of a truck tractor, a semitrailer, and a
6 semitrailer or trailer, may not exceed a total length of 75 feet, if
7 the length of neither the semitrailers nor the trailer in the
8 combination of vehicles exceeds 28 feet 6 inches.

9 (2) A B-train assembly is excluded from the measurement of
10 semitrailer length when used between the first and second
11 semitrailers of a truck tractor-semitrailer-semitrailer combination
12 of vehicles. However, if there is no second semitrailer mounted to
13 the B-train assembly, it shall be included in the length measurement
14 of the semitrailer to which it is attached.

15 (c) (1) A tow truck in combination with a single disabled vehicle
16 or a single abandoned vehicle that is authorized to travel on the
17 highways by this chapter is exempt from subdivision (a) when
18 operating under a valid annual transportation permit.

19 (2) A tow truck, in combination with a disabled or abandoned
20 combination of vehicles that are authorized to travel on the
21 highways by this chapter, is exempt from subdivision (a) when
22 operating under a valid annual transportation permit and within a
23 100-mile radius of the location specified in the permit.

24 (3) A tow truck may exceed the 100-mile radius restriction
25 imposed under paragraph (2) if a single trip permit is obtained
26 from the Department of Transportation.

27 (d) A city or county may, by ordinance, prohibit a combination
28 of vehicles of a total length in excess of 60 feet upon highways
29 under its respective jurisdiction. The ordinance may not be effective
30 until appropriate signs are erected indicating either the streets
31 affected by the ordinance or the streets not affected, as the local
32 authority determines will best serve to give notice of the ordinance.

33 (e) A city or county, upon a determination that a highway or
34 portion of highway under its jurisdiction cannot, in consideration
35 of public safety, sustain the operation of trailers or semitrailers of
36 the maximum kingpin to rearmost axle distances permitted under
37 Section 35400, may, by ordinance, establish lesser distances
38 consistent with the maximum distances that the highway or
39 highway portion can sustain, except that a city or county may not
40 restrict the kingpin to rearmost axle measurement to less than 38

1 feet on those highways or highway portions. A city or county
2 considering the adoption of an ordinance shall consider, but not
3 be limited to, consideration of, all of the following:

4 (1) A comparison of the operating characteristics of the vehicles
5 to be limited as compared to operating characteristics of other
6 vehicles regulated by this code.

7 (2) Actual traffic volume.

8 (3) Frequency of accidents.

9 (4) Any other relevant data.

10 In addition, the city or county may appoint an advisory
11 committee consisting of local representatives of those interests
12 that are likely to be affected and shall consider the
13 recommendations of the advisory committee in adopting the
14 ordinance. The ordinance may not be effective until appropriate
15 signs are erected indicating the highways or highway portions
16 affected by the ordinance.

17 This subdivision shall only become operative upon the adoption
18 of an enabling ordinance by a city or county.

19 (f) Whenever, in the judgment of the Department of
20 Transportation, a state highway cannot, in consideration of public
21 safety, sustain the operation of trailers or semitrailers of the
22 maximum kingpin to rearmost axle distances permitted under
23 Section 35400, the director, in consultation with the Department
24 of the California Highway Patrol, shall compile data on total traffic
25 volume, frequency of use by vehicles covered by this subdivision,
26 accidents involving these vehicles, and other relevant data to assess
27 whether these vehicles are a threat to public safety and should be
28 excluded from the highway or highway segment. The study,
29 containing the conclusions and recommendations of the director,
30 shall be submitted to the Secretary of the Business, Transportation
31 and Housing Agency. Unless otherwise notified by the secretary,
32 the director shall hold public hearings in accordance with the
33 procedures set forth in Article 3 (commencing with Section 35650)
34 of Chapter 5 for the purpose of determining the maximum kingpin
35 to rear axle length, which shall be not less than 38 feet, that the
36 highway or highway segment can sustain without unreasonable
37 threat to the safety of the public. Upon the basis of the findings,
38 the Director of Transportation shall declare in writing the maximum
39 kingpin to rear axle lengths which can be maintained with safety
40 upon the highway. Following the declaration of maximum lengths

1 as provided by this subdivision, the Department of Transportation
2 shall erect suitable signs at each end of the affected portion of the
3 highway and at any other points that the Department of
4 Transportation determines to be necessary to give adequate notice
5 of the length limits.

6 The Department of Transportation, in consultation with the
7 Department of the California Highway Patrol, shall compile traffic
8 volume, geometric, and other relevant data, to assess the maximum
9 kingpin to rearmost axle distance of vehicle combinations
10 appropriate for those state highways or portion of highways,
11 affected by this section, that cannot safely accommodate trailers
12 or semitrailers of the maximum kingpin to rearmost axle distances
13 permitted under Section 35400. The department shall erect suitable
14 signs appropriately restricting truck travel on those highways, or
15 portions of highways.

16 (g) This section shall become operative on January 1, 2009
17 2010.

18 ~~SECTION 1. Section 38504 of the Vehicle Code is amended~~
19 ~~to read:~~

20 ~~38504. (a) A person under 16 years of age shall not operate~~
21 ~~an all-terrain vehicle on public lands of this state unless the person~~
22 ~~satisfies all of the following conditions:~~

23 ~~(1) The person is accompanied by, and under the direct~~
24 ~~supervision of, a parent or guardian or is accompanied by, and~~
25 ~~under direct supervision of, an adult who is authorized by a parent~~
26 ~~or guardian.~~

27 ~~(2) The person is in possession of a safety certificate issued~~
28 ~~pursuant to Section 38501 or issued under the authority of another~~
29 ~~state.~~

30 ~~(b) (1) Notwithstanding subdivision (a), a person under 12 years~~
31 ~~of age shall not operate an all-terrain vehicle that is of a size that~~
32 ~~displaces more than 70 cubic centimeters.~~

33 ~~(2) Notwithstanding subdivision (a), a person 12 years of age~~
34 ~~or older but under 16 years of age shall not operate an all-terrain~~
35 ~~vehicle that is of a size that displaces more than 90 cubic~~
36 ~~centimeters.~~

37 ~~SEC. 2. Section 38504.1 of the Vehicle Code is amended to~~
38 ~~read:~~

39 ~~38504.1. (a) A parent or guardian of a child who is under 16~~
40 ~~years of age or an adult who is authorized by the parent or guardian~~

1 to supervise that child shall not grant permission to, or knowingly
2 allow, that child to operate an all-terrain vehicle in a manner that
3 violates Section 38504.

4 (b) A person convicted of a violation of subdivision (a) is
5 punishable as follows:

6 (1) For a first conviction, the court shall either impose a fine of
7 one hundred twenty-five dollars (\$125) or order the person to take
8 or retake and complete an all-terrain vehicle safety training course
9 pursuant to Section 38501. If ordered to take or retake and complete
10 the safety training course, the person shall provide the court a copy
11 of the all-terrain vehicles safety certificate issued as a result of that
12 completion.

13 (2) For a second conviction, a fine of not less than one hundred
14 twenty-five dollars (\$125) nor more than two hundred fifty dollars
15 (\$250).

16 (3) For a third or any subsequent conviction, a fine of not less
17 than two hundred fifty dollars (\$250) nor more than five hundred
18 dollars (\$500).

19 SEC. 3. Section 38504.2 of the Vehicle Code is amended to
20 read:

21 38504.2. If a person under 16 years of age was not properly
22 supervised or accompanied in accordance with Section 38504, and
23 the parent or guardian of that child or the adult who was authorized
24 by the parent or guardian to supervise or accompany that child is
25 in violation of Section 38504.1, upon a conviction pursuant to
26 Section 38504, the court may order that child to attend and
27 complete the all-terrain vehicle safety training course accompanied
28 by the person who violated Section 38504.1. If so ordered, the
29 child under 16 years of age shall provide the court a copy of the
30 all-terrain vehicles safety certificate issued as a result of that
31 completion.

32 SEC. 4. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within

- 1 ~~the meaning of Section 6 of Article XIII B of the California~~
- 2 ~~Constitution.~~

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